

## REMARKS

Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-2, 4-5 and 8-14 remain in this application, claims 3, 6-7 are canceled, claims 1, 5, 9 and 12 are independent.

Applicant gratefully acknowledges the allowance of claims 1-2, 4-6, 8, 10-11, and 13-14.

In the Office Action claims 1-2, 5, 6, 8, 11 and 14 are objected to. Claims 9 and 12 are rejected under 35 USC sec. 112 for failing to comply with the written description requirement. Specifically, the specification does not support the method acts of "reading the user information recorded on the second layer directly after a layer jump from the first information layer to the second information layer.

In response to the objection to claims 1-2, 5, 6, 8, 11 and 14 the claims are amended above.

In response to the rejection of claims 9 and 12 under 35 USC sec. 112, applicant traverses the rejection. Page 3 lines 20-23 clearly supports that "information recorded directly after a layer jump to be read back immediately". For purposes of prosecution efficiency, the claims have been broadened to eliminate this issue. Applicant reserves his right to reintroduce this limitation in a continuation application.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) including fees for any required extension of time, to Account No. 14-1270.

Respectfully submitted,

By           /Michael E. Belk/            
Michael E. Belk, Reg. 33,357  
Senior Patent Attorney  
(914) 333-9643